IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO. 233 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. P.K. Dhakephalkar for Mr.A.A. Kocharekar for the petitioners.

CORAM : A.M. KHANWILKAR, J.
DATE : 18TH JULY, 2006

P.C.

. Heard.

2. Prima facie from the additional written statement it is more than clear that the respondent has committed wilful breach of the assurances given before the trial Court, as recorded in order dated 19th March, 1999. However, instead of entertaining this action straight way before this Court, petition is disposed of with liberty to the petitioner to move

the trial Court by way of application under Order 39 Rule 2A of C.P.C., if so advised. That application will be decided on its own merit.

3. Grievance is made on behalf of the petitioner that although the suit pertains to year 1987, no progress is made before the trial Court. The trial Court is therefore, directed to expedite the hearing of the suit, to be disposed of preferably by the end of March, 2007. The petitioner may appear before the trial Court on 24th July, 2006 and bring this order to the notice of the trial Court for reassigning the date of hearing of the suit to ensure that it is to be disposed of within specified time. The proposed application under Order 39 R 2A of C.P.C. shall be decided independently on its own merit either separately or along with the suit, as may be advised by the trial Court. Disposed of on the above terms.

(A.M. KHANWILKAR, J.)